

THE PRESIDENCY SMALL CAUSE
COURTS (MADRAS AMENDMENT)
BILL, 1955 (L.A. BILL NO. 8 OF 1955)

[7th April 1955]

The motion was carried and the Bill was taken into consideration.

Clauses 2 to 8 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI C. SUBRAMANIAM :—“ Mr. Chairman, Sir, I move—

‘ That the Presidency Small Cause Courts (Madras Amendment) Bill, 1955 (L.A. Bill No. 8 of 1955), as passed by the Assembly, be passed.’ ”

MR. CHAIRMAN :—“ The question is—

‘ That the Presidency Small Cause Courts (Madras Amendment) Bill, 1955 (L.A. Bill No. 8 of 1955), as passed by the Assembly, be passed.’ ”

The motion was carried and the Bill was passed.

(3) THE TANJORE CHATTRAM ENDOWMENTS (UTILIZATION) AMENDMENT
BILL, 1955 (L.A. BILL NO. 10 OF 1955).

11-40 a.m. THE HON. SRI B. PARAMESWARAN :—“ Mr. Chairman, Sir, I move—

‘ That the Tanjore Chattram Endowments (Utilization) Amendment Bill, 1955 (L.A. Bill No. 10 of 1955), as passed by the Assembly, be taken into consideration.’ ”

The Tanjore Chattram Endowments are under the control of the District Board, Tanjore. Under the provisions of the Tanjore Chattram Endowments (Utilization) Act, 1942 (Madras Act VIII of 1942), the income from the Tanjore Chattram Endowments are utilized for the maintenance of certain educational and medical institutions.

“ At the instance of the Tanjore District Planning Board, steps are being taken to start a first-grade college at Tanjore. To accord recognition to the college, the Madras University requires a financial guarantee of about Rs. 5 lakhs. The District Board, Tanjore, has come forward to set apart the surplus funds of the Tanjore Chattram Endowments amounting to Rs. 4,94,500 as security for getting recognition to the proposed college and to make a fixed annual contribution of Rs. 15,000 for its maintenance out of the interest derived from the above security. The trust will be under the joint control of the Madras University, the District Board, Tanjore, and the managing body of the proposed college. To enable the district board to give effect to the decision, the Tanjore Chattram Endowments (Utilization) Act, 1942, has to be amended.

**THE TANJORE CHATTRAM
ENDOWMENTS (UTILIZATION)
AMENDMENT BILL, 1955 (L.A.
BILL NO. 10 OF 1955)**

933

7th April 1955]

[Sri B. Parameswaran]

“ The Agricultural Training School, Orathanad, which was run by the District Board, Tanjore, from the funds of the Tanjore Chattram Endowments was closed with effect from 1st April 1954, as it was uneconomical to continue the school. Consequent on its closure, it has been decided that the lands and buildings attached to it should be leased, free of rent or at concessional rate of rent to any department of Government, any local body or any private agency for the purpose of running farms for improvement of live-stock. The immediate intention is to grant the lands and buildings to the Animal Husbandry Department, free of rent, for locating a livestock farm. Clause 3 of the Bill provides for these things. Clause 4 provides for the deletion of section 3 (2) of the main Act dealing with the Agricultural Training School, Orathanad.

“ Sir, with these words, I once again move that the Bill be taken into consideration.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Tanjore Chattram Endowments (Utilization) Amendment Bill, 1955 (L.A. Bill No. 10 of 1955), as passed by the Assembly, be taken into consideration.’ ”

SRI K. BALASUBRAMANYA AYYAR :—“ Mr. Chairman, Sir, first of all I would like to have some information about the total income that is derived from the Tanjore Chattram Endowments every year and whether there is any surplus every year which is added on to the capital. I will be glad if the Hon. Minister gives that information now or later on. He can kindly ask his department to supply it because it is a matter really to be considered whether a large amount from the Chattram Endowment funds can be utilized for various purposes. The Preamble of this Bill says :

“ . . . An Act to provide for the making of contributions from, and the diversion of, the funds of the Tanjore Chattram Endowments towards the establishment or maintenance of certain institutions and for other purposes . . .

There are also certain institutions specified in the schedule to the original Act of 1942. Sir, these Chattram Endowments have got a long history. They had been originally endowed by the Tanjore Rajas particularly by the Raja Sarfoji Rao. Though there may not be any express deed of trust for these endowments specifying the particular object for which they should be used, they have been used for the purpose of feeding travellers and pilgrims coming from different places to Rameswaram and other places. Even in the Tanjore District Manual mention has been made about the feeding of large number of people in those chattrams. About ten chattrams were built by the Rajas of Tanjore in the name of their relatives. The income from the funds of the endowments has been used for feeding pilgrims to Rameswaram.”

SRI MOHAMED RAZA KHAN :—“ This is ‘ educational feeding.’ ”

THE TANJORE CHATTRAM
ENDOWMENTS (UTILIZATION)
AMENDMENT BILL, 1955 (L.A.)
BILL NO. 10 OF 1955)

[7th April 1955]

SRI K. BALASUBRAMANYA AYYAR :—“ We can go on feeding many things. I was speaking about the surplus funds of the Chattram Endowments and asking whether they could be used for any other purpose. It has been stated in the Statement of Objects and Reasons that a sum of Rs. 4,94,500 has been taken out from the surplus funds accumulated from time to time for the purpose of giving security for the opening of a college at Tanjore. I do not know whether this is one of the institutions which are specified in the schedule to the main Act of 1942. I want to know whether the Government are interfering with those things. It will be better if the public are satisfied about that. Sir, the income from those Chattram Endowments has been utilized for various purposes and some of them are in consonance with the spirit of the original founders. In the Tanjore District Manual it is also stated, apart from feeding, those funds could be utilized for starting schools to teach Sanskrit and other schools. There were four or five chattrams where Sanskrit classes were conducted by the Rajas themselves. That is how the founders of those endowments thought and acted. Now, we are diverting those funds for other purposes. I am against such a diversion of funds because now practically there is no feeding of pilgrims. We should be satisfied that the funds allotted for a particular institution are utilized properly for the proper purpose and whether they could be utilized for it without hindering or affecting the useful purposes which have been already mentioned in the Tanjore Chattram Endowments (Utilization) Act, 1942. I do not know whether it is in consonance with the spirit of the founders of these endowments to utilize the funds for the purpose of starting a medical college. They were for the distribution of medicines to the poor and that is why a large number of local fund dispensaries had been started in different places. Therefore, it is necessary that medicines should be distributed to the poor. I would even go a step further and say that the indigenous system of medicine should be encouraged. I think those Rajas were very much in favour of the indigenous system of medicine and those who are living in Tanjore know about it. Also, as I said earlier, these funds could be utilized for imparting instruction in Sanskrit.

“ Then I come to the Rs. 4,94,500 set apart as security. I think they will be invested on the Madras Government securities bearing $3\frac{1}{2}$ or 4 per cent. The interest derived from the investment would come to about Rs. 18,000 or nearly Rs. 20,000. I suppose that it is from this amount that the district board has agreed to make an annual contribution of Rs. 15,000 for the maintenance of the first-grade college to be started in consonance with the spirit of the Chattram Endowments. In this connexion, I would suggest that large scholarships for the poor should be given. Also religious instruction should be imparted. If such things are done, they would please the souls of the Rajas who had magnanimously founded those endowments. In those days when travel was difficult and people were experiencing difficulties in regard to food during travel,

7th April 1955] [Sri K. Balasubramanya Ayyar]

they had founded those endowments. Now on account of transport 11-50
and other facilities that are available, this diversion of funds takes a.m.
place. I would request the Government to see that the funds are
not utilized for a purpose entirely unconnected with the spirit in
which the original endowments were made."

SRI K. BHASHYAM :—" Mr. Chairman, Sir, I think the plea made by the previous speaker Sri K. Balasubramanya Ayyar with regard to the diversion of funds from the objects for which it was originally intended is a reasonable one. In fact, if one looks at the question from a lawyer's point of view, the diversion of funds to a purpose which was not contemplated by the original founder is unlawful and amounts to a breach of trust but for the fact that here the Government come forward and make lawful what is unlawful. The persons who are connected with the spending of money could be hauled up in a court of law. The fund was created for the definite purpose of feeding people who are travellers to Rameswaram and other places of pilgrimage. Therefore, if there are surplus funds available, they must be applied to a purpose 'cy pres' with the original object of the founder, that is to say, it must be in consonance with the intentions of the original founder. That is the meaning of the word 'cy pres' itself. Therefore, I would like to say that the Raja of Tanjore could not have intended that the fund should be utilized for the purpose of either running high schools or for the purpose of an agricultural training school somewhere in Orathanad, which is said to have been closed from April 1954. So, to say that the funds could be utilized for the establishment of a first-grade college at Tanjore is a thing very much beyond my imagination. I would like the surplus funds to be utilized for some purpose which is general in character. After all, the opening of a first-grade college will only benefit a certain number of people. It will not benefit the general mass of people. There is a T.B. sanatorium near Tanjore which was started recently. It is suffering for want of funds and the people of Tanjore are collecting money for that. Why not utilize these surplus funds for that purpose? As a matter of fact, the District Board of Tanjore has transferred some of its own money to this T.B. institution. A breach of trust is involved when you use money for a purpose which is not contemplated by the original founder. Therefore I should like this fund to be diverted to a purpose which is in consonance with the objects of the original founder. It can be utilized for affording medical relief to poor people. Of course, the original object of feeding people must be there. The poor students of the locality can be fed and can be given free education. That is certainly in consonance with the object of the original founder thereby promoting the modern idea of giving education to everybody. But the establishment of a first-grade college is something, which I feel, very far away from the intention of the original founder. I am also against multiplying the number of arts colleges and other

THE TANJORE CHATTRAM
ENDOWMENTS (UTILIZATION)
AMENDMENT BILL, 1955 (L.A.
BILL NO. 10 OF 1955)

[Sri K. Bhashyam]

[7th April 1955]

colleges. In spite of the very strong words used about my views in the matter, still I am against the opening of more and more colleges thereby multiplying graduates and swelling the ranks of educated unemployed. That is a thing which I do not approve of. Sir, I do not agree with this diversion of funds. In my opinion, it is unlawful to do so and it is also impolitic to do so."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, being interested in the furtherance of the educational endeavour in all the parts of the State, I cannot but support this measure as it has been brought forward. It is true that the original donor had the intention of giving free food to pilgrims. I was one of those benefited by this poor feeding almost some fifty years ago. (Laughter.) When I went as an officer to Dhanushkodi, I was supplied with all the materials required for a good meal, utensils and even firewood. Those days are long past and therefore there is no use now in speaking about feeding pilgrims. There are no pilgrims to be fed in that manner to-day. In those days there were no facilities available for food to be obtained from any quarter and every pilgrim had to cook his own food all along the line, whether it was in Rameswaram or Dhanushkodi or any part of Tanjore. The main object was that pilgrims who went for a devout purpose and who sacrificed everything and walked miles and miles in those days should be refreshed by such endeavour. To-day it is not necessary nor is it possible to feed pilgrims in such a manner. Therefore, it seems to me that there is justifiable reason in some of these surplus funds being utilized for purposes which will benefit the people in general. One of these purposes, I certainly feel, is the education of the people, especially in the modern set up. Tanjore is a very peculiar district and I have never been able to understand Tanjore or the mirasdars of Tanjore. (Laughter.) Tanjore has had only one college so far. The other college, viz., Findlay's College at Mannargudi was abolished. The Government College at Kumbakonam is there for over 100 years. A couple of years ago we celebrated the centenary of that college. When compared to Tanjore, what is the position of the other districts? In the district of North Arcot there are four colleges. In South Arcot there is a whole University. There are three colleges in Chingleput, six in Tiruchirappalli, seven colleges each in Tirunelveli and Coimbatore and five colleges in Ramanathapuram. In Malabar there are six colleges and in South Kanara also there are six colleges. Ootacamund is going to have a college very soon. The only district that has got only one college is Tanjore. (Sri K. Bhashyam: 'We are already having a number of colleges.') My hon. Friend says that there are too many colleges. I wish he says this at the time of admission of the students to the various colleges and I hope he will not write to the papers complaining about the indifference of the University is not providing adequate academic opportunity for those bright young men who come out

7th April 1955] [Dr. A. Lakshmanaswami Mudaliyar]

successful in their examinations. Repeatedly we are having this complaint and it is only within the last few years that a number of colleges have been established through the magnificent and philanthropic efforts of these districts and the criticism is having a mellowed tone. It is not altogether free but it is having a mellowed tone. Facts were placed before the public which disillusioned them about the facilities that were available. I do not know why, Sir, the mirasdars of Tanjore were so content with agricultural land and not interested in having more colleges. Although they have receded to the background more rapidly than they had imagined, I think, Tanjore is coming forward with a number of colleges. I welcome this idea and I must confess that the persons responsible had consultations with the University in regard to the starting of a college. We have made our position very clear on that point.

“The only college that is now being managed by a local authority is the Salem Municipal College and I hope that my esteemed Friend the Hon. the Minister for Education will not take it amiss and I hope that the Municipal Council, Salem, will not also take it as a criticism, when I say that the University has had more headache with that Municipal college than with all the other colleges put together. I am making this particular point because I am glad that on a representation made by the University the Government themselves passed an order stating that they were not prepared to give permission to any local board to start a college. This, however, is different. The Tanjore Chattram Endowments Fund is not a contribution of the local board. The local board is an authorised agent, as I understand it, to utilise this fund for certain purposes and therefore I feel that that District Board should not be in a different position from other district boards and local authorities in regard to the fundamental voice that it will have in the direction of the college management. I am making this remark because of the provisions contained in Clause 3 of this Bill. Sub-section 2 of proposed section 2 which is substituted for section 2 of the principal Act under clause 3 of the Bill says :—

‘The corpus of the investment referred to in clause (b) of sub-section (1) shall be held in trust for the purposes of the said college in the joint names of three trustees, namely, the Tanjore District Board, the University of Madras and the managing body of the said college;’

One need not take any objection so far as this portion of the clause is concerned. But it is further stated in this proposed sub-section that ‘the district board alone shall be competent to draw or deal with the interest derived from the investment.’ In other words, it will be open for the district board not to give the interest derived from the investment, when it is required. That is not a condition that the University has accepted, in regard to all other colleges. I respectfully suggest that the Government may have to alter this provision if the University is to accept the Chattram Endowments

THE TANJORE CHATTRAM
ENDOWMENTS (UTILIZATION)
AMENDMENT BILL, 1955 (L.A.)
BILL NO. 10 OF 1955)

[Dr. A. Lakshmanaswami Mudaliyar] [7th April 1955]

as security. We cannot allow one party, namely the district board, to have a veto in regard to the money that is available out of the endowment. That is a very serious position and I would very much like the Government to consider it and remedy the defect.

“ The second point, I wish to refer to, is this. The University has suggested that there should be a financial guarantee for about five lakhs of rupees so that permanent recognition to the first-grade college may be given. I am glad to say that this condition had been accepted by all the managements who had come forward to open first-grade colleges. Before permanent recognition is given to a first-grade college, a sum of Rs. 5 lakhs should be made available. Sometimes, this investment may yield more interest and sometimes it may yield less interest. Sometimes it may be two per cent and it may be four or five per cent at other times. If there is a sum of Rs. 5 lakhs, whatever the yield from the investments be, it will be added on to the corpus of the college so that not only the recurring charges may be incurred therefrom but also the management of the college may have some idea as to how it may be used for improving the college by institution of new courses of study or for equipping the laboratories or for improving the facilities available to students in the shape of reading rooms, playgrounds, etc. There are hundred and one ways in which this may be used properly for the benefit of students. I would respectfully submit that having already given a sum which is less than Rs. 5 lakhs by about Rs. 5,000 (The Hon. Sri C. Subramaniam: ‘ I am sure the balance will be met by the management.’) I know that once the college is started it will continue to receive fresh funds for some time more. I am only thinking of the two principles. First of all, the district board should not have any veto at all. I must respectfully point out that under the present condition the University is not likely to accept it. Secondly I would like to submit that once you have given a sum of Rs. 5 lakhs as an endowment, whatever interest it may fetch—in a particular year it may be more or it may be less—must go to the corpus of the college. That is the only way in which we have found it possible for the managements to improve the resources of the colleges. It is because of this condition that I am in a position to state that while colleges in the neighbouring States are in a tottering position and are in a most unsatisfactory position, the colleges that have been opened during the last seven or eight years are substantially sound financially and that they will be able to continue for ever.

“ Now, Sir, it is not my intention to deal with another aspect of the matter that was considered at length in the other House. But I want to state that the subject of starting a Medical College at any particular centre is one that is so very comprehensive in its

7th April 1955] [Dr. A. Lakshmanaswami Mudaliyar]

scope and I would beg of anybody who is likely to speak from a parochial or district point of view to ponder over it very carefully. It is impossible to get from the Chattram Funds an endowment for a Medical College. I am not going into the merits of the question where the Medical College should be located. But let us not confuse this issue with the object of the present Bill. I say further that a Medical College or a professional College will thrive where there are Arts and Science Colleges established. We must have an atmosphere of academical solidarity for a professional College to thrive and from that point of view it is good that Arts and Science Colleges are established. The hon. Member Sri K. Bhashyam suggested that there were too many Arts and Science Colleges. Well, Sir, ways and means are being devised to reorientate education in a manner that will make it more profitable for the students to have some gainful employment. It is not by condemning higher education or the accessibility to higher education that one can set this matter right. But we must try to improve the education given now in every way possible so that we can certainly see the day when our young men and women who are coming in very large numbers will have the benefit of higher education to the extent to which their intellectual ability and their other resources might permit them to avail themselves of. On these grounds I would say that I wholeheartedly support this measure."

* SRI T. PURUSHOTHAM :—“ Mr. Chairman Sir, I support this Bill and I am glad that the available funds of the Chattram Endowment are proposed to be utilised for educational purposes and also for livestock improvement. Objections were raised that the original intentions of the donor were not being respected in starting such educational institutions. The hon. Member Sri K. Balasubramanya Ayyar himself has pointed out that Sanskrit schools are being maintained out of these Chattram Funds. We all knew that out of the Chattram funds an Agricultural Training School at Orathanad was being maintained till April 1954. I do not see any reason why colleges should not likewise be opened out of the Chattram funds. Sir, it has been pointed out by the hon. Leader of the Opposition that there is only one college at Tanjore. At present there is an Arts College at Kumbakonam. Instead of another Arts College it would have been better if a technological institute or a college on occupational training were opened at Tanjore out of the Chattram funds. I feel that the Government could have taken more powers under this legislation to utilise the funds for educational purposes generally instead of restricting the scope of this Bill to the establishment and maintenance of an Arts College. The Chattram Fund is vested in the Tanjore District Board and I really thought that the District Board would be permitted to open a college. I was not prepared to hear from the hon. Leader of the Opposition about the sorry state of the Salem Municipal College. The Salem Municipality may not be able to

THE TANJORE CHATTRAM
ENDOWMENTS (UTILIZATION)
AMENDMENT BILL, 1955 (L.A.)
BILL NO. 10 OF 1955)

[Sri T. Purushotham]

[7th April 1955]

maintain the college efficiently. But the Tanjore District Board is a rich board and I am sure, if the management of the college had been vested in the district board, the needs of the college would be amply met and the college would be run efficiently because the District Board has got large resources at its disposal, including the Chattram Funds. It has been stated that the corpus of the investment in this case shall be held in trust for the purposes of the said college in the joint names of three trustees, namely, the Tanjore District Board, the University of Madras and the managing body of the college. I should think hon. Members would like to know why the district board should not be allowed to run the college out of the Chattram Funds under its control? "

12-10
p.m.

THE HON. SRI C. SUBRAMANIAM :—" The hon. Member seems to be under the impression that this fund belongs to the district board and we are asking the district board to give it to the management of the college. This is a Chattram Fund and the district board is only an agent now for the purpose of managing the fund. Therefore, there is no question of the district board's fund being diverted now."

* SRI T. PURUSHOTHAM :—" But, Sir, the district board fund is to be given as security . . . "

THE HON. SRI C. SUBRAMANIAM :—" It is not the district board fund, but it is Chattram Endowments Fund which is a separate trust altogether."

* SRI T. PURUSHOTHAM :—" Even then, it is only to be a sort of trust fund and not an outright endowment given away for the college. If so, I think the veto voice should be with the district board and the district board should be given proper representation in the management of the college, if it is to be entrusted to a managing committee. The Hon. Leader of the Opposition has stated that the district board should not have any voice at all. I do not agree."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" I am sorry to interrupt the hon. Member. I never said that the district board should not have a voice. But I do maintain that the district board alone should not be competent to draw or deal with the interest derived from the endowment. That is my chief point."

* SRI T. PURUSHOTHAM :—" The endowment funds are vested in the district board and it is the district board which is responsible for the proper management of the endowment. Though the amount may be paid to the college fund, the interest has to be drawn by the district board and the district board should have a voice in the utilisation of the interest."

7th April 1955]

DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Does the hon. Member realise that it will be quite within the competence of the Government to remove the district board from the management of the Chattram Funds? ”

* SRI T. PURUSHOTHAM :—“ Let the Government take away the management from the district board and let them manage it. But as long as the management is vested in the district board I think that it should have a voice.”

THE HON. SRI C. SUBRAMANIAM :—“ Under clause 3, i.e., proposed section 2, ‘ The Tanjore District Board or such other authority or person as may for the time being have the management and superintendence of the Tanjore Chattram Endowments may . . . contribute. etc.’ So, it is not as if the district board has anything to do with this always. Only for the time being it is in management and maintenance of the Chattram Funds.”

* SRI T. PURUSHOTHAM :—“ My contention is that the district board should be given proper representation on this managing body. With these remarks, I support the Bill.”

SRI V. V. RAMASWAMI :—“ கனம் தலைவர் அவர்களே, இந்தத் தஞ்சாவூரிலுள்ள சத்திரம் பாதுகாப்பு நிதியிலிருந்து புதியதாக ஏற்படுத்த இருக்கும் ஒரு கல்லூரிக்கு போதுமான அளவுக்கு பாதுகாப்பு ஈடு கொடுப்பதற்கு இந்தத் தொகையிலிருந்து வசதி செய்வதற்கு அதிகாரம் கொடுப்பதற்காக இந்தச் சட்டமானது எண்ணுவரப்பட்டிருக்கிறது. இந்தச்சட்டத்தின் நோக்கத்தைப்பற்றி பேசியவர்கள் முன்னோர்களாலும், தனிப்பட்ட நபர்களாலும் சரி அல்லது பொது ஸ்தாபனமாக இருந்தாலும் சரி, குறிப்பிட்ட நோக்கங்களுக்காக ஏற்பட்ட அந்த நிதியிலிருந்து செலவழிக்கும்போது தற்காலத்தில் அந்த நோக்கத்திற்கு ஒத்த முறையில் செலவழிக்கப்பட வேண்டுமென்று சொன்னார்கள். இந்தப் பெரியோர்களால் ஒதுக்கப்பட்ட நிதியை அவர்களுடைய நோக்கங்களுக்கு உபயோகிக்க முடியாவிட்டால் காலப் போக்கிற்கு ஏற்ப மக்களை நல்ல வழியில் திருப்ப அவற்றை உபயோகிக்க ஆலோசிக்க வேண்டும். ஆகையால் இன்று பெரியோர்களால் சேர்த்து வைக்கப்பட்ட நிதியிலிருந்து இந்தக் கல்லூரிக்கு நிதி ஒதுக்க ஏற்பாடு செய்யப்போவதாகத் தெரிகிறது. அதாவது இதிகாறும் நாமோடியாகப் போய்க்கொண்டிருந்த யாத்திரிகர்களுக்குக்காக இந்தப் பெரியோர்களால் ஒதுக்கப்பட்ட பணமானது கல்வி வசதிக்காக இப்பொழுது செலவழிக்க தீர்மானிக்கப் பட்டுள்ளது. ஏனென்றால் முன்பெல்லாம் அனேகமாக வடக்கே இருந்து பிரயாணிகள் அதிகம் பேர் இங்கு வருவார்கள். அவர்களுடைய உபயோகத்திற்காக இத்தொகைகள் ஒதுக்கப்பட்டன. ஆனால் இப்போது ரயில் வசதியெல்லாம் ஏற்பட்டு அவைகளாலேயே பல வசதிகள் செய்துத் தரப்படுகின்றன. மேலும் பல தனிஸ்தாபனங்களும் இவ்வசதிகளை செய்துத் தருகின்றன. ஆகவே இப்போது இந்த நிதி உபயோகம் இல்லாமல் இருக்கிறது. அப்படி இருக்கும் பணத்தின் உதவியைக் கொண்டு மக்களின் நல் வாழ்விற்காக செலவழிக்கலாம் என்ற ஒரு மனப்பான்மை. இந்த அரசாங்கத்திற்கு ஏற்பட்டிருப்பதை நான் பாராட்டுகிறேன். இப்படிப்பட்ட நிதிகளைத் தவிர வேறு பெரிய பெரிய கோவில்களிலும் பெரியோர்களால் எழுதிவைக்கப்பட்ட அதிகமான சொத்துக்கள் நிறைய இருக்கின்றன. அவைகளையும் இம்மாதிரியான பொதுமக்களுடைய நல்வாழ்வுக்காக உபயோகப்பதற்கு வழி செய்தால் மிகவும் உபயோகமாக இருக்கும். அம்மாதிரி

THE TANJORE CHATTRAM
ENDOWMENTS (UTILIZATION)
AMENDMENT BILL, 1955 (L.A.)
BILL NO. 10 OF 1955)

[Sri V. V. Ramaswami]

[7th April 1955]

தேங்கிக்கிக்கும் பணங்களையும் இந்நாட்டு மக்களின் கல்வி வளர்ச்சிக்காக அல்லது மருத்துவ வசதிக்காக உபயோகிக்கப்படலாம். இதையே நல்லது என்று மக்கள் எண்ணியிருக்கும் இந்தக் காலத்திலே இம்மாதிரியான பணங்களை மக்களின் நல்வாழ்விற்கு உபயோகப்படுத்தும் அடிப்படையான மனப்பான்மை அரசாங்கத்திற்கு ஏற்பட்டு அதற்கான ஒரு சட்டம் கொண்டு வருவதையும் நான் மிகவும் பாராட்டுகிறேன்.

“இந்த இடத்தில் நமது மதிப்பிற்குரிய பல்கலைக்கழகத் துணை வேந்தர் அவர்கள் சொன்னதைக் குறிப்பிட விரும்புகிறேன். அதாவது ‘The District Board alone shall be competent to draw or deal’ என்று ஜில்லா போர்டுகளுக்கு தனி அதிகாரம் கொடுத்திருப்பதை அவர்கள் ஆட்சேபித்தார்கள். அதன்படி மூன்றாவது பிரிவிலே உள்ள இரண்டாவது உட்பிரிவு (b)-ல் ‘may contribute from the income’ என்று கூறப்பட்டிருக்கிறது. அதன்படி அவர்கள் கொடுத்தாலும் கொடுக்கலாம், அல்லது கொடுக்காமலேயேயும் இருந்துவிடலாம். அந்த இடம் சந்தேகமாக இருக்கிறது. ஆகவே இப்படி ‘may’ என்று போட்டிருப்பது சற்று சந்தேகத்தை தரக்கூடியதாக இருக்கிறது. பிறகு ஜில்லா போர்டு இந்தச் சட்டத்தை வைத்துக்கொண்டு ஜில்லா போர்டில் பிளவு ஏற்பட்டால் ஏதாவது தாவா செய்யலாம் அல்லது அங்கு இருக்கக்கூடிய பெரிய பிரமுகர்கள் சிலர் சேர்ந்து ஏதாவது வழக்கு தொடுப்பதற்கும் இதில் இடம் இருக்கிறது. மருத்துவக் கல்லூரிதான் தேவை. முதலில் அதற்கு நிதி வேண்டும் என்று சொல்லலாம். ஆகவே இந்த கிளர்ச்சியை தடுக்கும் விதத்தில் may என்பதை ‘shall’ என்று கட்டுப்படுத்த வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். இல்லாவிட்டால் கொடுக்கலாம் அல்லது கொடுக்காமலும் இருந்து விடலாம். இந்த அரசாங்கம் ஆலோசனை செய்து, வேண்டிய வழிகளை செய்யவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

“அடுத்ததாக, மக்களுடைய பல நோக்கங்கள் இருக்கும்போது அதை மருத்துவக் கல்லூரிக்காகத்தான் செலவழிக்க வேண்டுமென்று சொல்லப் படுகின்றது. அதற்கும் செலவு செய்யலாம். ஆனால் மருத்துவக் கல்லூரிக்கு வழி செய்ய வேண்டுமானால் ஒரு கோடி ரூபாய் வேண்டுமென்று கனம் ஷெட்டி அவர்கள் சொல்லியிருக்கிறார்கள். ஆகவே ஒரு கோடி ரூபாய் என்றால் ஆரம்பத்தில் இது இலகுவில் முடியாத காரியம். இப்போது முதலில் அங்கு ஒரு சாதாரணக் கல்லூரி ஏற்படுத்துவதற்கு வசதி செய்துத் தரட்டும். ஜில்லா கலெக்டர் அவர்களும், ஜில்லா நீதிபதி அவர்களும், பிற பிரமுகர்களும் சேர்ந்து இதற்கு மனு செய்திருக்கிறார்கள். ஆகவே இந்த உறுதியை மனதில் வைத்துக் கொண்டு பொதுமக்களுக்கு தேவையான கல்லூரி வசதியை முதலில் செய்து கொண்டு பின்னர் மருத்துவக் கல்லூரி வசதிக்கான வழியை செய்யலாம். இம்மாதிரியான காரியங்கள் செய்யும்போது பெரிய பெரிய கோவில்களிலுள்ள நிதியையும் எடுத்துக்கொண்டால் இந்த வசதிகளை யெல்லாம் செய்வதற்கு வசதியாக இருக்கும். உதாரணமாக திருச்செந்தூர் கோவிலுக்கு சுமார் முப்பது லட்சம் ரூபாய்க்குமேல் இருப்பதாகச் சொல்லப்படுகிறது. அப்படி இருக்குமானால் அதையெல்லாம் எடுத்துக்கொண்டு உதவி செய்வதனால் மருத்துவக் கல்லூரியையும் ஏற்படுத்துவதற்கு வசதியாக இருக்கும். இதையெல்லாம் ஆலோசிக்க வேண்டுமென்று சொல்லிக்கொண்டு இந்த சட்டத்தின் அடிப்படை நோக்கத்தை நான் வரவேற்கிறேன்.”

SRI MOHAMED RAZA KHAN :—“There is not much to say about this Bill. A majority of the members are in favour of this Bill. As I pointed out earlier, the Hon. Minister for Finance is not prepared even to consider a grant of more than Rs. 50,000 or Rs. 75,000 for a first-grade or second-grade college, particularly

7th April 1955] [Sri Mohamed Raza Khan]

when the Hon. Leader of the Opposition insists on certain rules for the starting of a first-grade or second-grade college. I am saying this because on a previous occasion also I drew the attention of the Hon. Minister for Finance that while colleges established a decade or two ago were fortunate enough to get grants of more than Rs. 10 or 15 lakhs, people who have now come forward just to help the Government for the purpose of having higher education are not getting more than Rs. 50,000 or Rs. 75,000. I feel, Sir, that the Hon. Minister for Education who is also the Minister for Finance should consider this question afresh and see whether some increased grant cannot be given to these managing committees, particularly when they have to pay a huge sum by way of deposit and when the University insists on certain conditions being fulfilled with regard to building, playground, etc. This may not be very directly relevant to the subject. But now as we are on the question of starting a new college I felt that I should draw the attention of the Hon. Minister for Education to this aspect of the matter.

“ Sir, we should congratulate the people of Tanjore on having a first-grade college in their place. I understand that Tanjore is a very rich district and even in the matter of intelligence it is a very rich district. Most of the people who have played a leading part in the Bar, in the medical profession or in the Legislature come from Tanjore. I think even hon. Members Sri Balasubramanya Ayyar and Sri K. Bhashyam belong to Tanjore. (Interruption.) Coimbatore is going up very well financially, but intellectually Tanjore is good. Whenever a man holds a high position either in the State Government or in the Central Government, people immediately ask the question ‘Do you come from Tanjore?’ We are all happy that a first-grade college is coming up in Tanjore because of the efforts of a few people there. Therefore, I feel that they deserve all support and help from the Government. No doubt, some suggestion has been made by the hon. Member Sri Balasubramanya Ayyar with regard to grant of scholarship. But it is more for the managing committee than for the Government to consider. 12-20 p.m.

“ The hon. Member Sri Purushotham raised the point why the district board should not run this college. If I understand correctly, I think the University always stipulates that the managing committee should be a small body and not an unwieldy one, consisting of forty or fifty members. Further, with our present-day municipalities where there are frequent changes due to changes in politics, it is as good as closing the college if the district board were to be entrusted with the running of the college. I know most of the M.L.As. from Tanjore district have been very anxious and they are very thankful to the Hon. the Minister for Education for bringing in this Bill. Their purpose is that they should have a

THE TANJORE CHATTRAM
ENDOWMENTS (UTILIZATION)
AMENDMENT BILL, 1955 (L.A.
BILL NO. 10 OF 1955)

[Sri Mohamed Raza Khan] [7th April 1955]

first-grade college. Incidentally, the hon. the Leader of the Opposition stated that another college was coming up in the Nageris district also. The people of the Nageris have been agitating for the opening of a college. I think in the coming year they will have a college. One thing which I may say is that the contribution of the Government in the direction of opening of first-grade and second-grade colleges is not a substantial one. I may bring it to the attention of the hon. Member Sri Bhashyam that but for these private agencies who have in the course of the last ten or twelve years gone from place to place, begged for money and brought in these colleges, the educational position of our State would have been quite different. To quote an instance of the Government's attitude in this matter, what is the present position of the Brennen College, Tellicherry? Repeated requests have been made by the persons concerned saying that the college requires a lot of improvement. But nothing has been done. Therefore, we should congratulate these private bodies on coming forward to start first-grade and second-grade colleges. The Bill only makes a small concession. Because those people are not in a position to collect a sum of Rs. 5 lakhs since they have to find money for putting up buildings and for other equipment, the Government of Madras allow them to utilize Rs. 5 lakhs from the Chattram Fund, for providing a financial guarantee which is a condition precedent to the starting of a first-grade college. Therefore, I wholeheartedly support this measure."

SRI A. GAJAPATHY NAYAGAR :—"கனம் மன்றத் தலைவர் அவர்களே, தஞ்சாவூர் மாவட்டத்தில் உயர்தரக் கல்லூரி இல்லாதது பெரிய குறைவாக இருந்தது. இப்பொது அது ஒரு இழுக்காகவும் ஏற்பட்டு விட்டது. இந்த மசோதாவின்படி அங்கு ஒரு உயர்தரக் கல்லூரி ஏற்படுத்துவது மிகவும் முக்கியமானது. இரண்டாவதாக மாவட்டக் கழகத்திற்கு கல்வியின் அதிகாரத்தை கொடுப்பது அவ்வளவு பொருத்தமாகத் தோன்ற வில்லை. முதலிலே, ஆரம்பக் கல்வியைக்கூட அவர்கள் நடத்தக்கூடாது என்று சொல்லப்பட்டிருக்கிறது. அப்படி இருக்கும்போது கல்லூரியை நிர்வகிக்கும் அதிகாரத்தை இந்த மாவட்ட கழகத்திற்குக் கொடுத்தால் என்ன ஆகும்? ஆகவே இவ்விஷயம் மாவட்டக் கழகத்திற்கு சம்பந்ததில்லாமல் சர்க்காரே பொறுப்பு எடுத்து இதை நடத்த வேண்டியது அவசியம். மூன்றாவதாக கல்லூரியை நிர்வாகம் செய்ய மூன்று நபர்களுக்கும் சம உரிமை கொடுக்கப்பட்டிருக்கிறது. மாவட்டக் கழகத்திற்கும், பஸ்கலைகழகத்திற்கும், மற்றும் சில நபர்களைக் கொண்ட ஒரு கமிட்டிக்கும் நிர்வாகம் கொடுத்திருக்கிறது. அப்படியிருக்க இம் மூன்றிலும் மாவட்டக் கழகத்திற்கு மட்டும் அதிக உரிமை கொடுத்திருப்பது சட்ட விரோதமானது; நியாயம் ஆகாது. ஆகவே இந்த மாவட்டத்திற்கு கொடுக்கப்பட்டுள்ள அதிக உரிமையை கொஞ்சம் தளர்த்தி சம உரிமை வழங்கவேண்டும். அப்போதுதான் ஒழுங்காக கல்லூரி நடைபெறமுடியும். நான் இந்த மசோதாவை மனமார வரவேற்கிறேன்."

THE HON. SRI B. PARAMESWARAN :—"Sir, it is unnecessary for me to repeat what I said at the outset. The hon. the Leader of the Opposition has clearly stated how important and necessary it is for the people of Tanjore to have a first-grade

7th April 1955]

[Sri B. Parameswaran]

college. He gave a list of districts wherein there were several colleges and he singled out the Nilgiris and also Tanjore where there was only one college. The people of Tanjore have been agitating for the last half a century for the starting of a college. There are about 57 high schools there. The conditions that existed at the time the endowment was made by the Raja do not exist now for utilizing this Fund. It is not clearly stipulated in the endowment itself that this Fund should be spent for any particular purpose. Further, on account of the progress made in respect of communications, the number of pilgrims who go by carts is not large. Therefore, we can utilize this Fund for starting a college.

"With regard to the point raised by the hon. the Leader of the Opposition 'that the district board alone shall be competent to deal with the interest derived from the investment,' we are all anxious that the college should come up and I do not think that all the three parties on the managing committee could draw cheques. Therefore, it is a matter of convenience that the district board has been asked to be in charge of these transactions and this will not take away the rights or privileges vested in the entire managing committee which consists of these three parties. The Government can go only to the extent of contributing the amount specified in the Bill. If there is any balance that the University may insist upon having, it is for the managing committee and the University to arrange between themselves.

"The hon. Member Sri Balasubramanya Ayyar said that the institutions on which the Fund was spent should not be deprived of the contribution by this diversion. Sir, it is only a financial guarantee that we are giving to the University. After going through the records, I can say that no institution which derives the benefit of this Fund will be deprived of it on account of this diversion.

"This is a very useful and important measure. I am glad the whole House is supporting this Bill unanimously. Whatever may be the minor details that have got to be adjusted between the University and the district board, that can be done. Any impediment placed in the way of carrying out the provisions of the Bill will only delay the coming into existence of the college.

"With regard to the Medical College to which objection has been taken by the Leader of the Opposition, it is for the people of Tanjore to consider. There are very rich mirasdars; they themselves can start a college with the funds available. As suggested by my esteemed Colleague in the other House the other day, the people of Tanjore could constitute a committee, collect funds and start a Medical College for the district.

"I once again thank the Members for supporting this Bill unanimously."

THE TANJORE CHATTRAM
ENDOWMENTS (UTILIZATION)
AMENDMENT BILL, 1955 (L.A.
BILL NO. 10 OF 1955)

[7th April 1955]

THE HON. SRI C. SUBRAMANIAM :—“ Sir, the learned Leader of the Opposition raised a point with regard to the endowment being made in favour of the college and he said that it should be an absolute endowment and that whatever income was derived out of it should go to the college. I accept it in principle. But here is a peculiar situation. The Chattram Fund was being utilized for the running of various institutions. We cannot deprive all those institutions of the contribution and say that the entire income from the endowment should be given over to this college. After all, a 3 per cent return on an endowment is a reasonable one. That is the calculation which, I find, is being made by the University. Therefore, we thought we could give an assurance of an annual contribution of Rs. 15,000 to this college. The rest of the money should be available to the district board to be disposed of as it likes.

12-30 p.m. “ That is why we have said that the district board alone shall be competent to draw or deal with the interest derived from the investment. It has to contribute Rs. 15,000 annually and it cannot deal with it in any way it likes. It must draw the interest and utilize it in the way indicated in the Bill. It cannot go beyond what is indicated in the Bill. The district board is only an agent managing the funds. Therefore, as far as the University is concerned, this endowment will be in the name of the University, the district board and the management of the college. Barring the contribution of Rs. 15,000 to be made by the district board, it can deal with the rest of the funds as it likes. If the University feels that some more money should be made available for the running of the college and ensuring its stability, it is open to the University to deal with the management direct and ask it to tap some other endowments so that more money can be made available. But the Government can go only thus far and no further. Taking all these factors into consideration, I do not think there will be any difficulty with regard to the contribution of Rs. 15,000 annually. The Government stand committed to it and this portion of the endowment will be in the name of the University, the district board and the management of the college. I do not think there is likely to be any difficulty in the matter at all.”

MR. CHAIRMAN :—“ The question is—
“ That the Tanjore Chattram Endowments (Utilization) Amendment Bill, 1955 (L.A. Bill No. 10 of 1955), as passed by the Assembly, be taken into consideration.” ”

The motion was carried and the Bill was taken into consideration.

Clauses 2, 3 and 4 were put and carried.

Clause 1 was put and carried.

7th April 1955]

The Preamble was put and carried.

THE HON. SRI B. PARAMESWARAN :—" Sir, I move—

' That the Tanjore Chattram Endowments (Utilization) Amendment Bill, 1955 (L.A. Bill No. 10 of 1955), as passed by the Assembly, be passed.' "

MR. CHAIRMAN :—" The question is—

' That the Madras Court Fees and Suits Valuation Bill, Amendment Bill, 1955 (L.A. Bill No. 10 of 1955), as passed by the Assembly, be passed.' "

The motion was carried and the Bill was passed.

(4) THE MADRAS COURT FEES AND SUITS VALUATION BILL, 1954
(L.A. BILL NO. 25 OF 1954).

THE HON. SRI C. SUBRAMANIAM :—" Mr. Chairman, I move—

' That the Madras Court Fees and Suits Valuation Bill, 1954 (L.A. Bill No. 25 of 1954), as passed by the Assembly, be taken into consideration.' "

Sir, this is rather a bulky Bill consisting of many clauses. But the principle involved in it is not very complicated. As a matter of fact, the law relating to suits valuation and court fees is contained in the Acts of 1870 and 1877. They are very old Acts and of course many amendments have been made to them from time to time. But these amendments have made the law more complicated to a certain extent and it has not been possible to bring the law up-to-date. That is why this matter has been under the consideration of the Government for a very long time and now we have taken steps to bring the Suits Valuation Act and the Court Fees Act into one enactment and place this Bill before this House.

" Sir, this Bill was considered by a Select Committee and hon. Members of this House were also associated with it. Very useful suggestions were made in the course of discussion of the Bill in the Select Committee and we have also incorporated some of the changes suggested by the Select Committee. The Legislative Assembly also have made certain changes in the Bill. An important feature of the Bill is the general revision of the court fees payable. For example, the *ad valorem* fee payable on the value of the suits up to one thousand rupees was formerly 11½ per cent; then up to 5,000 rupees it was 7½ per cent. Beyond 5,000 rupees, the fee was worked out at reduced rates. Now what we have done is we have adopted a uniform rate of 7½ per cent for all suits. The result will be, the lower category of suits will have some benefit up to Rs. 5,000. Of course, in respect of suits of the value of over Rs. 5,000, the fee payable will be a little more.